

SENATE BILL NO. 409

INTRODUCED BY E. BOLDMAN, M. DUNWELL, S. MORIGEAU

A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING LAWS RELATED TO MOBILE HOME PARKS; ALLOWING MOBILE HOME OWNERS TO PETITION A LOCAL GOVERNING BODY FOR THE CONDEMNATION OF A MOBILE HOME PARK; ALLOWING MOBILE HOME OWNERS TO ENTER INTO AGREEMENTS WITH AFFORDABLE HOUSING ORGANIZATIONS TO SECURE FINANCING FOR A MOBILE HOME PARK; REVISING ALLOWED USES OF EMINENT DOMAIN TO PRESERVE AFFORDABLE HOUSING OPTIONS, INCLUDING MOBILE HOME PARKS; PROVIDING DEFINITIONS; AND AMENDING SECTION 70-30-102, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. Section 1. Petition to obtain park -- housing organizations. (1) If the residents of

a mobile home park experience rent increases significantly above the consumer price index, charges for services previously included in the lot rent, onerous restrictions on activities or possessions, a lack of mobile home park maintenance, a proposed change in land use, or other activities that reduce the quality of life or value of mobile homes in the mobile home park, the residents may petition the local governing body to condemn the mobile home park to preserve affordable housing.

(2) The local governing body may move to acquire by condemnation the mobile home park as allowed in 7-5-4106 if a majority of the owners of mobile homes located within the mobile home park sign a petition pursuant to subsection (3). If the local governing body moves to condemn the mobile home park, the property must be disposed of as provided in subsection (4).

(3) Before petitioning the local governing body, the mobile home owners may organize as a resident-owned community or enter into a partnership with an affordable housing organization and secure a commitment for the financing or funding necessary to operate the mobile home park.

(4) If the mobile home owners have secured the necessary financing or funding to operate the mobile home park either by organizing as a resident-owned community or by partnering with an affordable

1 housing organization, the local governing body shall return ownership of the mobile home park to the resident-
2 owned community or affordable housing organization when the mobile home park is acquired by condemnation
3 as provided in subsection (2).

4 (5) As used in this section, the following definitions apply:

5 (a) "Affordable housing organization" means an organization that offers aid to persons seeking
6 affordable housing solutions, including rental and other financial assistance. The term may include but is not
7 limited to a community land trust, a nonprofit housing authority, a local housing authority, or a public-private
8 partnership.

9 (b) "Resident-owned community" means a nonprofit cooperative consisting of each mobile home
10 owner residing in the mobile home park who own or will own an equal share of the land within the boundaries of
11 the mobile home park and manage the park collectively.

12

13 **Section 2.** Section 70-30-102, MCA, is amended to read:

14 **"70-30-102. Public uses enumerated.** Subject to the provisions of this chapter, the right of eminent
15 domain may be exercised for the following public uses:

16 (1) all public uses authorized by the government of the United States;

17 (2) public buildings and grounds for the use of the state and all other public uses authorized by the
18 legislature of the state;

19 (3) public buildings and grounds for the use of any county, city, town, or school district;

20 (4) canals, aqueducts, flumes, ditches, or pipes conducting water, heat, or gas for the use of the
21 inhabitants of any county, city, or town;

22 (5) projects to raise the banks of streams, remove obstructions from streambanks, and widen,
23 deepen, or straighten stream channels;

24 (6) water and water supply systems as provided in Title 7, chapter 13, part 44;

25 (7) roads, streets, alleys, controlled-access facilities, and other publicly owned buildings and
26 facilities for the benefit of a county, city, or town or the inhabitants of a county, city, or town;

27 (8) acquisition of road-building material as provided in 7-14-2123;

28 (9) stock lanes as provided in 7-14-2621;

- 1 (10) parking areas as provided in 7-14-4501 and 7-14-4622;
- 2 (11) airport purposes as provided in 7-14-4801, 67-2-301, 67-7-210, and Title 67, chapters 10 and
3 11;
- 4 (12) urban renewal projects as provided in Title 7, chapter 15, parts 42 and 43, except that private
5 property may be acquired for urban renewal through eminent domain only if the property is determined to be a
6 blighted area, as defined in 7-15-4206(2)(a), (2)(h), (2)(k), or (2)(n), and may not be acquired for urban renewal
7 through eminent domain if the purpose of the project is to increase government tax revenue;
- 8 (13) housing authority purposes as provided in Title 7, chapter 15, part 44;
- 9 (14) county recreational and cultural purposes as provided in 7-16-2105;
- 10 (15) city or town athletic fields and civic stadiums as provided in 7-16-4106;
- 11 (16) county cemetery purposes pursuant to 7-11-1021, cemetery association purposes as provided
12 in 35-20-104, and state veterans' cemetery purposes as provided in 10-2-604;
- 13 (17) preservation of historical or archaeological sites as provided in 23-1-102 and 87-1-209(2);
- 14 (18) public assistance purposes as provided in 53-2-201;
- 15 (19) highway purposes as provided in 60-4-103 and 60-4-104;
- 16 (20) common carrier pipelines as provided in 69-13-104;
- 17 (21) water supply, water transportation, and water treatment systems as provided in 75-6-313;
- 18 (22) mitigation of the release or threatened release of a hazardous or deleterious substance as
19 provided in 75-10-720;
- 20 (23) the acquisition of nonconforming outdoor advertising as provided in 75-15-123;
- 21 (24) screening for or the relocation or removal of junkyards, motor vehicle graveyards, motor vehicle
22 wrecking facilities, garbage dumps, and sanitary landfills as provided in 75-15-223;
- 23 (25) water conservation and flood control projects as provided in 76-5-1108;
- 24 (26) acquisition of natural areas as provided in 76-12-108;
- 25 (27) acquisition of water rights for the natural flow of water as provided in 85-1-204;
- 26 (28) property and water rights necessary for waterworks as provided in 85-1-209 and 85-7-1904;
- 27 (29) conservancy district purposes as provided in 85-9-410;
- 28 (30) wharves, docks, piers, chutes, booms, ferries, bridges, private roads, plank and turnpike roads,

1 and railroads;

2 (31) canals, ditches, flumes, aqueducts, and pipes for:

3 (a) supplying mines, mills, and smelters for the reduction of ores;

4 (b) supplying farming neighborhoods with water and drainage;

5 (c) reclaiming lands; and

6 (d) floating logs and lumber on streams that are not navigable;

7 (32) sites for reservoirs necessary for collecting and storing water. However, reservoir sites must
8 possess a public use demonstrable to the district court as the highest and best use of the land.

9 (33) roads, tunnels, and dumping places for working mines, mills, or smelters for the reduction of
10 ores;

11 (34) outlets, natural or otherwise, for the flow, deposit, or conduct of tailings or refuse matter from
12 mines, mills, and smelters for the reduction of ores;

13 (35) an occupancy in common by the owners or the possessors of different mines of any place for
14 the flow, deposit, or conduct of tailings or refuse matter from their several mines, mills, or smelters for reduction
15 of ores and sites for reservoirs necessary for collecting and storing water for the mines, mills, or smelters.
16 However, the reservoir sites must possess a public use demonstrable to the district court as the highest and
17 best use of the land.

18 (36) private roads leading from highways to residences or farms;

19 (37) telephone or electrical energy lines, except that local government entities as defined in 2-7-
20 501, municipal utilities, or competitive electricity suppliers may not use this chapter to acquire existing
21 telephone or electrical energy lines and appurtenant facilities owned by a public utility or cooperative for the
22 purpose of transmitting or distributing electricity or providing telecommunications services;

23 (38) telegraph lines;

24 (39) sewerage of any:

25 (a) county, city, or town or any subdivision of a county, city, or town, whether incorporated or
26 unincorporated;

27 (b) settlement consisting of not less than 10 families; or

28 (c) public buildings belonging to the state or to any college or university;

1 (40) tramway lines;
 2 (41) logging railways;
 3 (42) temporary logging roads and banking grounds for the transportation of logs and timber
 4 products to public streams, lakes, mills, railroads, or highways for a time that the court or judge may determine.
 5 However, the grounds of state institutions may not be used for this purpose.

6 (43) underground reservoirs suitable for storage of natural gas;

7 (44) projects to mine and extract ores, metals, or minerals owned by the condemnor located
 8 beneath or upon the surface of property where the title to the surface vests in others. However, the use of the
 9 surface of property for strip mining or open-pit mining of coal (i.e., any mining method or process in which the
 10 strata or overburden is removed or displaced in order to extract the coal) is not a public use, and eminent
 11 domain may not be exercised for this purpose.

12 (45) projects to restore and reclaim lands that were strip-mined or underground-mined for coal and
 13 not reclaimed in accordance with Title 82, chapter 4, part 2, and to abate or control adverse effects of strip or
 14 underground mining on those lands; and

15 (46) the preservation of affordable housing options, including mobile home parks as provided in
 16 [section 1]."

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 18 **NEW SECTION. Section 3. Codification instruction.** [Section 1] is intended to be codified as an
 19 integral part of Title 70, chapter 33, part 3, and the provisions of Title 70, chapter 33, part 3, apply to [section 1].

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